

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 3:05-CR-234-A

TYRONE WHITE

MOTION FOR INSPECTION AND COPYING OF JURY SYSTEM RECORDS

COMES NOW the Defendant, Tyrone White, pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and respectfully moves the Court for an Order directing the United States District Court for the Middle District of Alabama to provide the undersigned access to, inspection of, and copying of all records pertaining to its jury selection system, to include without limitation, source lists, master lists, computer programming and data.

As reasons, the Defendant states as follows:

1. Defendant Tyrone White challenges the composition of both the grand jury that indicted him, and the jury panel from which his petit jury will be selected. Mr. White alleges that the relevant jury lists exclude many citizens, who would otherwise qualify for jury service, on account of, *inter alia*, their race. Defendant's motions, challenging the indictment and the composition of the jury pool, have been filed separately and are incorporated herein by reference.

2. The existing jury system in the United States District Court for the Middle District of Alabama is largely computerized. Most aspects of this system, including

maintaining names in master lists and pools, selecting potential jurors, and division of summoned names into grand and petit jury lists, are controlled by computer programming.

3. To adequately investigate the factual basis of the above-referenced motions, Tyrone White must have access to all data maintained by the Jury Commission (Clerk), as well as to the computer systems and programs that maintain and direct the operation of the jury system.

4. It is well established that jury commission records must be made available for inspection and copying by criminal defendants who allege that the system operates in violation of the Constitution. See Test v. United States, 420 U.S. 28 (1975).

WHEREFORE, Defendant Tyrone White respectfully requests that this Court Order that:

(a) At a time certain, the undersigned, or his representative, shall be permitted to access, and inspect all records pertaining to the jury selection system in the United States District Court for the Middle District of Alabama;

(b) The director of computer services, or other similarly knowledgeable person, shall be available at that time to explain all aspects of the computer programming and hardware used to maintain jury lists, summon jurors, and perform other pertinent tasks; and

(c) The undersigned, or his representative, shall be permitted to copy any records, programming and data used in the jury selection process, to maintain the master lists, summon jurors, and so forth.

RESPECTFULLY SUBMITTED this 28th day of October 2005.

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
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CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

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/s/ Julian L. McPhillips, Jr.
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Attorney for Defendant